

всеобщие признанные принципы и нормы международного права, международным договорам и соглашениям Грузии, если они не противоречат Конституции Грузии.

Конституционное соглашение имеет преимущественную юридическую силу в отношении внутригосударственных нормативных актов, т.е. конституция признаёт преимущества международных нормативных договоров в отношении внутригосударственных норм [2, с. 171], подчёркиваю – если они не противоречат верховному закону страны. Это значит, что международное право не может обойти внутригосударственное право, т.к. только международные договоры не представляют систему права, кроме этого упоминание всего внутригосударственного права, как муниципального права, является предметом обсуждений.

### *Литература*

1. Лобжанидзе Г. Общая теория государства и права / Г. Лобжанидзе. – Тб., 2010.
2. Лобжанидзе Г. Конституционно-правовые основы местного самоуправления Грузии / Г. Лобжанидзе. – Тб., 2011.
3. Маланчук П. Современное международное право Акхарста / П. Маланчук. – Тб., 2005. – 134 с.
4. Местное самоуправление (управление) в зарубежных странах: учеб. пос. / А. С. Прудников, Л. А. Ларина, М. В. Максютин и др.; под ред. А. С. Прудникова. – М.: ЮНИТИ-ДАНА: Закон и право, 2012. – 271 с.
5. Мухаев Р. Т. Система государственного и муниципального управления / Р. Т. Мухаев. – М.: ЮНИТИ-ДАНА, 2012 – 687 с.
6. Municipal Programs Implementation Coordination Center, Tbilisi. 1998.
7. Fitzmaurice G. The General Principles of international Law Considered from the Staudpoint Rule of Law, RDC 92 (1957 – II) I.

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## **THEORETICAL AND LEGAL ASPECTS OF HUMAN SECURITY IN THE REPUBLIC OF INDIA**

Human security has been always very relevant question all over the world. The Republic of India is not the exclusion, more else the mentioned issue is the actual theme to analyze on the legislation and also the level of scientific discussion. According to the article 51 of the Constitution of India (passed on November 26, 1949 and is fully applicable since January 26, 1950) promotion

of international peace and security is one of the directive principles of state policy [1].

The origins of the idea of «human security» can be related (if not traced back) to the growing dissatisfaction with the prevailing notion of development and security in the 1960s–1980s. With the end of the Cold War, calls for new thinking in security matters grew rapidly. In 1994, the United Nations Development Programme (UNDP), through its Human Development Report, sought, for the first time, to broaden the traditional notion of security focused on military balances and capabilities to include economic security, food security, health security, environmental security, personal security, community security and political security. The second important intervention on human security was that of the Canadian government and various Canadian academics, led by Lloyd Axworthy. The Canadian approach concentrated on the goal of «freedom from fear», calling for the safety of people from both violent and non-violent threats. The broadest category of definition of human security adds «a life of dignity» to freedom from want and freedom from fear [2, p.1].

Security is now being increasingly defined not so much as the defence of national territory as ensuring the safety and well being of the citizens of a state via the provision of development opportunities. Human security encompasses protection from physical and mental harm, freedom from want and fear, and respect for personal and cultural identities. In this framework, the effective means of dealing with the multifarious threats is not force; rather the preferred instruments of security are human development and humane governance [3, p. 1].

It is important to index the status of human security and gauge the capacity of the state's norms and institutions to deal with the threats of insecurities. The study is based on 14 indicators – poverty, rural youth unemployment, school dropouts, infant mortality, morbidity, crimes against children, crimes against women, incidences of corruption, encroachment of forest area, non-adoption of the right policies, gap between budgeted and actual spending in social sectors, pending cases in courts, occurrence of incidences of violence and presence of security personnel – which form a composite index of human insecurity [2, p. 4].

Today India is one of the fasters growing economies in the world. One can say that India has achieved freedom from hunger. And yet, food security (at the level of access to a balanced diet and clean drinking water) remains a far cry. Indeed, the food security situation over the years has deteriorated. Annual production of wheat has stagnated at around 72 million tonnes through this decade. India needs a 4% farm sector growth in order to sustain an 8% GDP growth. In fact the problem of food insecurity is very acute in rural Bihar and Jharkhand, followed by Uttar Pradesh, Uttaranchal, Madhya Pradesh, Rajasthan, Gujarat, Orissa and Andhra Pradesh. India needs a second green revolution. Three factors are essential for food security. These are: - availability

of foodgrains – this is subject to production and import; - accessibility to foodgrains for those relying on purchasing power; - and consumption and availability of potable water, health and education [3, p.10-11].

The mentioned circumstances are the base of insecurity for the people. Analyzing the concept of insecurity, in my own opinion, the attention has to be paid to the economic, political, environmental and moral issues.

Internal insecurity has several dimensions. While India is looked upon as a model of democratic governance, many of its pressing problems have nothing to do with conventional external threats. Several parts of the country are afflicted with ethnic insurgency while others are plagued by communal and caste wars. Environmental degradation threatens the livelihood of vast sections of the people; and globalisation processes are eroding the traditional notion of national community and fuelling fears of exploitation and cultural homogenisation. These internal, non-military and newer sources of insecurity pose as much, if not more, of a challenge than the traditional threats to national security. The problems of human insecurity get manifested in three interrelated dimensions: first, there is a deepening of polarisation along ethnic, linguistic and religious lines and the undermining of social values which bind together diverse communities in a pluralistic society; second, there is reluctance on the part of centralised structures to share political power and give adequate representation to all strata of society. This, in turn, breeds militarisation and encourages the use of coercive state power to quell resurgent nationalism; and third, a development model that aggravates endemic poverty, interpersonal and interregional disparities, erosion of the natural resource base and dependence on foreign aid is favoured. This results in tensions and violent movements representing the poor and marginalized, threatening the security of the people [3, p. 12-13].

Summarizing the mentioned above, it has to be said that the lines drawn between «freedom from fear», «freedom from want», and «freedom to live a life with dignity», may be very much debatable depends on the «human security» understanding. That is why it is so important to determine the investigated concept according to common values for everybody.

#### *Literature*

1. The Constitution of India of 26.11.1949 [Electronic source]. – Access mode: <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>

2. Amitav Acharya, Subrat K. Singhdeo, Rajaretnam M. Introduction: Human Security from Concept to Practice - Case Studies from Northeast India and Orissa / Acharya Amitav, Singhdeo K. Subrat, M. Rajaretnam // World Scientific Series on Human Security. – 2011. – Vol. 1. – P. 1-12.

3. Ash Narian Roy. Human Security in India: A mixed bag / Roy Narian Ash // Policy: issues & actors. – 2007. – Vol. 20. – P. 1-15.